

OPINION & ORDER  
[Resolving Doc. No. 16]

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Case No. 5:05CV2155  
Gwin, J.

## II. Legal Standard

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of the Report to which an objection has been made. *See* 28 U.S.C. § 636(b)(1). Any objections must be filed with the Clerk of Court within ten days of the report's issuance. *Id.* Parties waive their right to appeal the Recommendation if they fail to object within the time allowed. *See, e.g., Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

## III. Analysis

Here, more than ten days have elapsed from the issuance of Magistrate Judge Limbert's Report and Recommendation and neither party objects to the Recommendation. Having conducted its own review of the facts and findings in the case, the Court agrees with the conclusion of the Magistrate Judge. Therefore, the Court incorporates the Magistrate Judge's findings of fact and conclusions of law fully herein by reference. Accordingly, the Court denies the Plaintiffs' petition for an award of attorney fees and expenses pursuant to the Equal Access to Justice Act.

## IV. Conclusion

For the reasons discussed above, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge and **DENIES** the Plaintiffs' petition.

IT IS SO ORDERED.

Dated: August 7, 2007

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE